UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,379	07/09/2003	Skott C. Klebe	C0011/7004	1320

64967 7590 11/15/2007
LAW OFFICES OF PAUL E. KUDIRKA
40 BROAD STREET
SUITE 300
BOSTON, MA 02109

EXAMINER	
HA, LEYNNA A	

ART UNIT	PAPER NUMBER
2135	

MAIL DATE	DELIVERY MODE
11/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/616,379	KLEBE, SKOTT C.	
	Examiner	Art Unit	
	LEYNNA T. HA	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 August 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-30 is pending.

2. In reference to the Pre-Brief Appeal conference request, the office has decided to re-open prosecution.

Response to Arguments

3. Applicant's arguments, see Pre-Brief Conference request, filed 8/7/2007, with respect to the rejection(s) of claim(s) 1-30 under 35 U.S.C. §102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of 35 U.S.C. 103(a) as being unpatentable over Romansky, et al. (US 6,535,871) in view of Lui, et al. (US 6,340,977).

Romansky discloses fragmenting the text stream into phrases, but did not clearly discuss multi-word phrases. Thus, Lui is combined with Romansky to teach a CHA system includes Commentary Assembly Module for rapid sentence and phrase construction (Lui-col.24, lines 6-9), that involves Commentary data set to generate an extensive variety of (multi-word) sentences and phrases and a mechanism to create phrases and sentences dynamically because this prevents the tedious repetition of phrases (Lui-col.30, lines 35-66) and has the distinct advantage of reducing data production (Lui-col.31, lines 18-40).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Romansky, et al. (US 6,535,871) and further in view of Lui, et al. (US 6,340,977).

As per claim 1:

Romansky discloses a method for distributing secure digital content that can be indexed by third party search engines, the method comprising:

(a) generating a text stream from the digital content by stripping all graphic information and punctuation from the digital content; **(col.2, line 5)**

(b) fragmenting the text stream into *[multi-word]* phrases; **(col.2, lines 11-32 and col.3, lines 6-17)**

(c) randomly assembling the phrases into a scrambled document; and **(col.2, lines 33-40 and col.3, lines 24-35)**

(d) making the scrambled document available to the third party search engines. **(col.3, lines 43-52)**

Although, Romansky discloses fragmenting the text stream into phrases, but did not clearly discuss multi-word phrases.

Lui, et al teaches the invention that relates to software for assisting users, and more particularly to a system and method for interactively assisting a user operating an application program (col.1, lines 17-20). Lui includes a Cooperative Help Assistance (CHA) system and method provides real-time user assistance for one or more window-based GUI applications or a single application's different subsections such as web pages (col.2, lines 35-40). Lui discloses the combined data and assembled or constructed data elements during sequence processing in new combinations where many elements such as Commentary i.e. language phrases expressed from the CHA system are combined during user actions and requests during the session with the Host Application (col.22, lines 55 - col.23, line 3). The Commentary Assembly Module does rapid sentence and phrase construction for non-essential data type (col.24, lines 6-9). Further, Lui discloses the CHA system includes a mechanism to assemble optional Commentary and provides feedback to the user and contributes to the learning experience (col.30, lines 35-47). The CHA system includes such a mechanism not only for providing such commentary, but also to create phrases and sentences dynamically to prevent the tedious repetition of phrases (col.30, lines 47-50). The assembly of commentary objects is performed by the Commentary Assembly Module where the Commentary data set may include different target categories of fragments that are grammatically compatible and interchangeable according to a set of language rules. The Commentary Set may also include categories that are organized phrases that can be assembled in runt time into many different combinations to generate an extensive variety of phrases or expressions (col.30, lines 55-60). Lui discloses the Commentary

sentences and phrases can be created and rendered according to the selected data format by concatenating ASCII text or assembling sound fragments as in a play list or files (col.30, lines 63-66). In addition, Lui discusses assembling these phrases at runtime has the distinct advantage of reducing data production and such assembling of phrases also contributes to the personality of the learning or interactive experience (col.31, lines 18-22). The sentences and/or phrases disclosed in Lui obviously are made up of multiple (more than one) words and sentences/phrases consist of more than one phrase (col.31, lines 38-40). Thus, reads on the claimed multi-word phrases.

Therefore, it would have been obvious for a person of ordinary skills in the art at the time of the invention was made to combine Romansky with Lui to teach a CHA system includes Commentary Assembly Module for rapid sentence and phrase construction (Lui-col.24, lines 6-9), that involves Commentary data set to generate an extensive variety of (multi-word) sentences and phrases and a mechanism to create phrases and sentences dynamically because to prevent the tedious repetition of phrases (Lui-col.30, lines 35-66) and has the distinct advantage of reducing data production (Lui-col.31, lines 18-40).

As per claim 2: **See Lui on col.24, lines 6-9 and col.30, lines 35-66:** discussing a method of claim 1 wherein step (b) comprises parsing the text stream to generate a word stream and fragmenting the word stream into phrases, where each phrase contains at least two words.

As per claim 3: See Romansky on col.2, lines 26-40 and col.3, lines 24-35 and Lui on col.1, lines 34-40: discussing the method of claim 2 wherein the total number of words in a phrase is random.

As per claim 4: See Lui on col.24, lines 6-9 and col.30, lines 35-66: discussing the method of claim 3 wherein the total number of words in a phrase has a maximum of five words.

As per claim 5: See Romansky on col.2, lines 26-40 and col.3, lines 24-35 and Lui on col.24, lines 6-9 and col.30, lines 35-66; discussing the method of claim 1 wherein step (c) comprises forming a stream of phrases and randomly swapping the position of phrases in the phrase stream.

As per claim 6: See Romansky on col.1, lines 60-65 and col.3, lines 47-52: discussing the method of claim 1 further comprising: (e) returning the scrambled document content when the scrambled document is indexed by the third party search engines.

As per claim 7: See Romansky on col.3, lines 42-52 and col.4, lines 4-10: discussing a method of claim 6 wherein step (e) comprises examining a user agent parameter to determine whether a search engine or a browser is requesting the scrambled document.

As per claim 8: See Romansky on col.1, lines 19-24 and 59-65: discussing the method of claim 6 further comprising: (f) returning a link to an owner of the secure content when a browser links from the search engine to the indexed scrambled document.

As per claim 9: **See Romansky on col.1, lines 19-24 and 36-65:** discussing the method of claim 8 wherein the scrambled document contains a script routine that loads a web page provided by the secure content owner and step (f) comprises running the script routine after the scrambled document content has been loaded into the browser.

As per claim 10: **See Romansky on col.1, lines 46-48 and 60-65 and col.3, lines 43-52:** discussing the method of claim 9 wherein step (f) comprises using the script routine to hide the scrambled text from a user.

As per claim 11:

Romansky discloses apparatus for distributing secure digital content that can be indexed by third party search engines, the apparatus comprising:

a stripper that generates a text stream from the digital content by stripping all graphic information and punctuation from the digital content; **(col.2, line 5)**

means for fragmenting the text stream into *[multi-word]* phrases; **(col.2, lines 11-32 and col.3, lines 6-17)**

a stream assembler that randomly assembles the phrases into a scrambled document; and **(col.2, lines 33-40 and col.3, lines 24-34)**

means for making the scrambled document available to the third party search engines. **(col.3, lines 43-52)**

Although, Romansky discloses fragmenting the text stream into phrases, but did not clearly discuss multi-word phrases.

Lui, et al teaches the invention that relates to software for assisting users, and more particularly to a system and method for interactively assisting a user operating an

application program (col.1, lines 17-20). Lui includes a Cooperative Help Assistance (CHA) system and method provides real-time user assistance for one or more window-based GUI applications or a single application's different subsections such as web pages (col.2, lines 35-40). Lui discloses the combined data and assembled or constructed data elements during sequence processing in new combinations where many elements such as Commentary i.e. language phrases expressed from the CHA system are combined during user actions and requests during the session with the Host Application (col.22, lines 55 - col.23, line 3). The Commentary Assembly Module does rapid sentence and phrase construction for non-essential data type (col.24, lines 6-9). Further, Lui discloses the CHA system includes a mechanism to assemble optional Commentary and provides feedback to the user and contributes to the learning experience (col.30, lines 35-47). The CHA system includes such a mechanism not only for providing such commentary, but also to create phrases and sentences dynamically to prevent the tedious repetition of phrases (col.30, lines 47-50). The assembly of commentary objects is performed by the Commentary Assembly Module where the Commentary data set may include different target categories of fragments that are grammatically compatible and interchangeable according to a set of language rules. The Commentary Set may also include categories that are organized phrases that can be assembled in runt time into many different combinations to generate an extensive variety of phrases or expressions (col.30, lines 55-60). Lui discloses the Commentary sentences and phrases can be created and rendered according to the selected data format by concatenating ASCII text or assembling sound fragments as in a play list or

files (col.30, lines 63-66). In addition, Lui discusses assembling these phrases at runtime has the distinct advantage of reducing data production and such assembling of phrases also contributes to the personality of the learning or interactive experience (col.31, lines 18-22). The sentences and/or phrases disclosed in Lui obviously are made up of multiple (more than one) words and sentences/phrases consist of more than one phrase (col.31, lines 38-40). Thus, reads on the claimed multi-word phrases.

Therefore, it would have been obvious for a person of ordinary skills in the art at the time of the invention was made to combine Romansky with Lui to teach a CHA system includes Commentary Assembly Module for rapid sentence and phrase construction (Lui-col.24, lines 6-9), that involves Commentary data set to generate an extensive variety of (multi-word) sentences and phrases and a mechanism to create phrases and sentences dynamically because to prevent the tedious repetition of phrases (Lui-col.30, lines 35-66) and has the distinct advantage of reducing data production (Lui-col.31, lines 18-40).

As per claim 12: See Lui on col.24, lines 6-9 and col.30, lines 35-66: discussing the apparatus of claim 11 wherein the means for fragmenting comprises a parser that parses the text stream to generate a word stream and a fragmented that fragments the word stream into phrases, where each phrase contains at least two words.

As per claim 13: See Romansky on col.2, lines 26-40 and col.3, lines 24-35 and Lui on col.22, lines 64-67 and col.30, lines 35-66: discussing the apparatus of claim 12 wherein the total number of words in a phrase is random.

As per claim 14: See Lui on col.8, lines 44-47 and col.15, lines 49-53: discussing the apparatus of claim 13 wherein the total number of words in a phrase has a maximum of five words.

As per claim 15: See Romansky on col.2, lines 26-40 and col.3, lines 24-35: discussing the apparatus of claim 11 wherein the stream assembler comprises means for forming a stream of phrases and means for randomly swapping the position of phrases in the phrase stream.

As per claim 16: See Romansky on col.1, lines 60-65 and col.3, lines 47-52: discussing the apparatus of claim 11 further comprising means for returning the scrambled document content when the scrambled document is indexed by the third party search engines.

As per claim 17: See Romansky on col.3, lines 42-52 and col.4, lines 4-10: discussing the apparatus of claim 16 wherein the means for returning the scrambled document content comprises means for examining a user agent parameter to determine whether a search engine or a browser is requesting the scrambled document.

As per claim 18: See Romansky on col.1, lines 19-24 and 59-65: discussing the apparatus of claim 16 further comprising means for returning a link to an owner of the secure content when a browser links from the search engine to the indexed scrambled document.

As per claim 19: See Romansky on col.1, lines 19-24 and 36-65: discussing the apparatus of claim 18 wherein the scrambled document contains a script routine that loads a web page provided by the secure content owner and the means for returning a

link to an owner of the secure content comprises means for running the script routine after the scrambled document content has been loaded into the browser.

As per claim 20: See Romansky on col.1, lines 46-48 and 60-65 and col.3, lines 43-52: discussing the apparatus of claim 19 wherein the script routine comprises means for hiding the scrambled text from a user.

As per claim 21:

Romansky discloses a computer program product for distributing secure digital content that can be indexed by third party search engines, the computer program product comprising a computer usable medium having computer readable program code thereon, including:

program code for generating a text stream from the digital content by stripping all graphic information and punctuation from the digital content; **(col.2, line 5)**

program code for fragmenting the text stream into *[multi-word]* phrases; **(col.2, lines 11-32 and col.3, lines 6-17)**

program code for randomly assembling the phrases into a scrambled document; and **(col.2, lines 33-40 and col.3, lines 28-34)**

program code for making the scrambled document available to the third party search engines. **(col.3, lines 43-52)**

Although, Romansky discloses fragmenting the text stream into phrases, but did not clearly discuss multi-word phrases.

Lui, et al teaches the invention that relates to software for assisting users, and more particularly to a system and method for interactively assisting a user operating an

application program (col.1, lines 17-20). Lui includes a Cooperative Help Assistance (CHA) system and method provides real-time user assistance for one or more window-based GUI applications or a single application's different subsections such as web pages (col.2, lines 35-40). Lui discloses the combined data and assembled or constructed data elements during sequence processing in new combinations where many elements such as Commentary i.e. language phrases expressed from the CHA system are combined during user actions and requests during the session with the Host Application (col.22, lines 55 - col.23, line 3). The Commentary Assembly Module does rapid sentence and phrase construction for non-essential data type (col.24, lines 6-9). Further, Lui discloses the CHA system includes a mechanism to assemble optional Commentary and provides feedback to the user and contributes to the learning experience (col.30, lines 35-47). The CHA system includes such a mechanism not only for providing such commentary, but also to create phrases and sentences dynamically to prevent the tedious repetition of phrases (col.30, lines 47-50). The assembly of commentary objects is performed by the Commentary Assembly Module where the Commentary data set may include different target categories of fragments that are grammatically compatible and interchangeable according to a set of language rules. The Commentary Set may also include categories that are organized phrases that can be assembled in runt time into many different combinations to generate an extensive variety of phrases or expressions (col.30, lines 55-60). Lui discloses the Commentary sentences and phrases can be created and rendered according to the selected data format by concatenating ASCII text or assembling sound fragments as in a play list or

files (col.30, lines 63-66). In addition, Lui discusses assembling these phrases at runtime has the distinct advantage of reducing data production and such assembling of phrases also contributes to the personality of the learning or interactive experience (col.31, lines 18-22). The sentences and/or phrases disclosed in Lui obviously is made up of multiple (more than one) words and sentences/phrases consist of more than one phrase (col.31, lines 38-40). Thus, reads on the claimed multi-word phrases.

Therefore, it would have been obvious for a person of ordinary skills in the art at the time of the invention was made to combine Romansky with Lui to teach a CHA system includes Commentary Assembly Module for rapid sentence and phrase construction (Lui-col.24, lines 6-9), that involves Commentary data set to generate an extensive variety of (multi-word) sentences and phrases and a mechanism to create phrases and sentences dynamically because to prevent the tedious repetition of phrases (Lui-col.30, lines 35-66) and has the distinct advantage of reducing data production (Lui-col.31, lines 18-40).

As per claim 22: See Lui on col.24, lines 6-9 and col.30, lines 35-66: discussing the computer program product of claim 21 wherein the program code for fragmenting the text stream comprises program code for parsing the text stream to generate a word stream and program code for fragmenting the word stream into phrases, where each phrase contains at least two words.

As per claim 23: See Romansky on col.2, lines 26-40 and col.3, lines 24-35 and Lui on col.22, lines 64-67 and col.30, lines 35-66: discussing the computer program product of claim 22 wherein the total number of words in a phrase is random.

As per claim 24: See Lui on col.24, lines 6-9 and col.31, lines 38-40: discussing the computer program product of claim 23 wherein the total number of words in a phrase has a maximum of five words.

As per claim 25: See Romansky on col.2, lines 26-40 and col.3, lines 24-35: discussing the computer program product of claim 21 wherein the program code for randomly assembling the phrases into a scrambled document comprises program code for forming a stream of phrases and program code for randomly swapping the position of phrases in the phrase stream.

As per claim 26: See Romansky on col.1, lines 60-65 and col.3, lines 47-52: discussing the computer program product of claim 21 further comprising program code for returning the scrambled document content when the scrambled document is indexed by the third party search engines.

As per claim 27: See Romansky on col.3, lines 42-52 and col.4, lines 4-10: discussing the computer program product of claim 26 wherein the program code for returning the scrambled document content comprises program code for examining a user agent parameter to determine whether a search engine or a browser is requesting the scrambled document.

As per claim 28: See Romansky on col.1, lines 19-24 and 59-65: discussing the computer program product of claim 26 further comprising program code for returning a link to an owner of the secure content when a browser links from the search engine to the indexed scrambled document.

As per claim 29: See Romansky on col.1, lines 19-24 and 36-65: discussing the computer program product of claim 28 wherein the scrambled document contains a script routine that loads a web page provided by the secure content owner and the program code for returning the scrambled document content comprises program code for running the script routine after the scrambled document content has been loaded into the browser.

As per claim 30: See Romansky on col.1, lines 46-48 and 60-65 and col.3, lines 43-52: discussing the computer program product of claim 29 wherein the script routine comprises program code for hiding the scrambled text from a user.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEYNNA T. HA whose telephone number is (571) 272-3851. The examiner can normally be reached on Monday - Thursday (7:00 - 5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thanhnga B. Truong AU2135

LHa

THANHNGA TRUONG
PRIMARY EXAMINER